THE HON'BLE SMT. JUSTICE T. MEENA KUMARI

W.P. No. 33032 of 1997

O R D E R:

This writ petition is filed seeking to issue a writ of Certiorari calling for the records in I.D. No. 262 of 1993 on the file of 1st respondent and to quash the Award dated 21.7.1997.

It is contended by the learned counsel for the petitioner that the 2nd respondent herein was never appointed in the petitioner -School and she was a labourer working under a mason and she used to attend the construction works in and around the school carried out by the said mason, but the Tribunal erroneously held that she is an employee of the petitioner School and directed reinstatement of the 2nd respondent and compensation, which is improper and not based on any material.

The case of the respondent No.2 was that she was engaged by the petitioner – School as Aaya/maid servant in March 1988 for cleaning the rooms and looking after the students of the school with a salary of Rs.300/- per month with an yearly increase of Rs.50/-. She was removed on 20.9.1993 and at the time of removal she was drawing a salary of Rs.500/- per month. It is also stated that she used to get the salary after putting her signature in the payment register of non-teaching staff maintained by the management. It is further stated that certain amount was also deducted towards the premium of LIC policy.

Before the Tribunal, the respondent No.2 herein was examined as WW1 and on behalf of the petitioner one C. Veerabhadra Rao was examined as MW1 and the bus staff salaries

note book of the management was marked as Ex.M1.

After considering the material available on record, the Tribunal held that the respondent No.2 herein was employed by the petitioner School and she was removed without any notice and accordingly directed her reinstatement and ordered to pay a compensation of Rs.3,000/-. Aggrieved, the petitioner filed this writ petition.

Though it is contended by the learned counsel for the petitioner that the award passed by the Tribunal-cum-Labour Court is not based on any material, a perusal of the order passed by the Tribunal discloses that the Tribunal considered the points, namely, whether it has got jurisdiction to entertain the petition, whether the removal of the petitioner is legal and justified and whether the petitioner worked as Aaya with the respondent's (petitioner herein) organization and considered the matter with reference to the evidence adduced by the parties. It further discloses that though the Tribunal directed the petitioner herein to produce the attendance register and payment register of the staff, the same were not produced for the reasons best known to the petitioner. The Tribunal also observed that even the combined attendance and payment registers of the staff including teaching and non-teaching staff are not produced by the management and that non-production of the registers without any reason goes to show that the management deliberately suppressed the important and relevant record only to deny the services of the petitioner. Therefore, the petitioner cannot now contend that the Award passed by the Tribunal is not based on any evidence. In order to show the genuineness of the contention of the petitioner that the respondent No.2 was not employed by them, the petitioner would have produced the registers which were very

much required and relevant to decide the case. Though it is the case of the petitioner that the respondent No.2 was working as a labourer with one Suryanarayana mason, the petitioner failed to get examined the said Suryanarayana on their behalf to prove the said fact. On the other hand, in view of the convincing facts and circumstances, the Tribunal rightly held that the respondent No.2 worked as Aaya in the petitioner school and that she was removed without any notice.

In view of the above, I find no error or infirmity in the Award passed by the Tribunal warranting interference of this Court.

There is no merit in this writ petition. It is accordingly dismissed.

T. MEENA KUMARI, J.

Date: 26-09-2007.

MVB.